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C O N F I D E N T I A L SECTION 01 OF 02 ADDIS ABABA 002693

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SUBJECT: ELECTORAL PROCESS:ETHIOPIAN OPPOSITION SKEPTICAL
OF GOE TALK OF INCLUSION

REF: ADDIS 2624

Classified By: CDA Roger A. Meece for Reasons 1.4 (b) and (d).

Summary

1. (C) At the request of the four political parties who drafted an electoral Code of Conduct (CoC), the National Electoral Board of Ethiopia (NEBE) hosted a series of discussions in order to solicit input from other Ethiopian political parties before submitting the companion legislative package to Parliament. The 53 political party representatives who were present raised concerns about whether the four drafting parties had authority to draft a CoC, whether the NEBE or the parties were leading the legislative process, and whether their input would be incorporated into the document. Representatives from the Forum for Democratic Dialogue (Forum) walked out of the discussion shortly after it began, in protest over the NEBE's role, and Forum leadership has showed no signs of re-joining the talks. During the third meeting, most of the parties expressed willingness to approve the existing CoC - which does not contain any significant provisions that do not already exist in Ethiopian law - but expressed concern about the legislature package for the implementation of the CoC, including the establishment of a "Joint Council" with authority to investigate violations of the CoC. While the ruling party (EPRDF) is clearly interested in engaging other political parties in at least certain parts of the electoral process, opposition party leaders remain distrustful of the EPRDF and allege continued harassment of their supporters. End Summary.

2. (SBU) Following the October 30 signing ceremony of the preamble of the CoC (reftel), the four political parties who drafted it - including the ruling EPRDF, the All Ethiopian Unity Party (AEUP), the Coalition for Unity and Democracy Party (CUDP), and the Ethiopian Democratic Party (EDP) - asked the NEBE to host a series of discussions to solicit input from all Ethiopian political parties before submitting an implementing legislative package to a standing committee in Parliament. (Note. The plan has been to incorporate the CoC into the legislative package. The CoC preamble is not technically part of the legislative package. The four parties that drafted the CoC preamble also drafted a full CoC. The preamble was signed on October 30 by the four party leaders; the CoC itself is now under consideration by the larger group of parties, ostensibly under the facilitation of the NEBE. End Note.) On November 4, 53 political parties convened at the NEBE offices, and talks are ongoing. Minister of Communication Bereket Simon gave an opening speech encouraging parties (and the Forum in particular) to engage in the process, and assured parties that "through

dialogue we can resolve problems." Bereket then pointed out that while in the past the EPRDF has drafted and submitted the CoC itself, this time the EPRDF is giving other parties a chance to contribute, and they should seize the opportunity.

Lack of Agreement on Procedure

13. (C) The first five-hour session was spent discussing procedural issues. One of the key concerns raised by political party representatives was about who had the authority to draft a CoC. Opposition parties felt that the CoC should be drafted by the NEBE, not by political parties. (Note: Article 105 of the Electoral Law states "The NEBE, in consultation with concerned bodies, MAY issue a detailed election CoC" (emphasis added). The law does not specifically state that political parties cannot produce a CoC. End Note.) Other issues of contention were whether the NEBE or the drafting parties were chairing the meeting (opposition parties insisted on the NEBE), and whether opposition input would actually be incorporated into the document, since its preamble was signed the week before. Some opposition party representatives felt the event was a publicity stunt designed to make the electoral process appear inclusive. The four CoC drafting parties assured participants that the document remained a draft and that they would accommodate changes. Several opposition party representatives complained to PolOff that over two-thirds of the political parties present were not real opposition parties, but rather EPRDF-affiliate parties. Following the procedural discussion, several party representatives requested time to consult with their members,

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so the NEBE scheduled further discussion for five days later.

14. (SBU) During the third meeting, on November 9, the discussion moved past procedure to substance and most of the parties expressed willingness to approve the existing CoC, which does not contain any significant provisions that do not already exist in Ethiopian law. Rather, it is a compilation of previous laws and constitutional provisions. However, several parties have expressed concern about the package of regulations for implementing the CoC -- including the establishment of a "Joint Council" with authority to investigate violations of the CoC -- which will be discussed in future meetings. Currently, the Joint Council is comprised of the four drafting parties, but as stated in the draft regulation, "Founding members of the Council will discuss and arrange conditions for political parties that did not participate in the drafting of the CoC for different reasons to join the Council."

Forum Walks Out...Again

15. (C) Second tier leaders from the Forum attended the November 4 session for the first two hours, but walked out over concern about lack of NEBE ownership of the process. The walk-out was clearly pre-planned, as Forum members walked out before even giving the NEBE a chance to respond to their concerns. Forum representatives expressed displeasure with the EPRDF for refusing to engage in bilateral discussions with the Forum prior to discussing the CoC with the other opposition parties. Forum representatives have not been present at any of the following sessions, and Forum leaders have not expressed willingness to re-join the discussion. Hailu Araya, Public Relations Chairman for Unity for Democracy and Justice - a member of the Forum, told PolOff that "the CoC is not going to mean anything because the NEBE is not going to enforce its implementation."

COMMENT

¶16. (C) The Joint Council is not meant to replace the NEBE complaints process or the right to litigate, but rather to complement both with an articulated Joint Council/NEBE/courts division of labor. If passed into law, political parties, candidates, and government organs would be obliged to cooperate with the Joint Council's investigations of complaints of violations of the CoC. Some of the measures to be taken by the Joint Council would amount to naming and shaming political parties who violate the CoC and force accountable political parties to rectify violations of the CoC. Measures to be taken by the NEBE include giving official warning to parties that violate the CoC, denying access to public media, prohibiting financial subsidy, canceling candidature, and suspending political parties. Courts would continue to be responsible for punishing political activity around polling stations on polling day, publishing or disseminating election results, disseminating inaccurate information regarding political activities or election outcome, rights of candidates or political parties, or deliberately creating obstacles or interfering in the work of the NEBE.

¶17. (C) Comment Continued: The GoE clearly wants the adoption of the CoC to be, or appear to be, inclusive. The opposition is jaded after several years of reported harassment, arbitrary arrest, and intimidation by the ruling party, and views attempts at inclusion with skepticism and mistrust. The Forum continues to be stubborn about engaging, which threatens to undermine already slim hopes for a free and fair election. End Comment.
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